

1 Henry C. Bunsow (SBN 60707)
bunsowh@howrey.com
2 Korula T. Cherian (SBN 133967)
cheriank@howrey.com
3 Robert F. Kramer (SBN 181706)
kramerr@howrey.com
4 David R. Stewart (admitted pro hac vice)
stewartd@howrey.com
5 Subroto Bose (SBN 230339)
boses@howrey.com
6 HOWREY LLP
525 Market Street, Suite 3600
7 San Francisco, California 94105
Telephone: (415) 848-4900
8 Facsimile: (415) 848-4999
9 Attorneys for Plaintiff and Counterclaim-Defendant
REALNETWORKS, INC.
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13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 REALNETWORKS, INC.

Case No. C-08-0023 MHP

17 Plaintiff and Counterclaim-
Defendant,

**STIPULATION AND [PROPOSED] ORDER
OF DISMISSAL WITH PREJUDICE**

18 vs.

19 BURST.COM, INC.

20 Defendant and Counterclaimant.
21

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23 The undersigned parties, through their respective counsel, signed a Confidential Settlement
24 Agreement and hereby stipulate to dismissal of the above-captioned case with prejudice as follows:

25 1. All claims and counterclaims are dismissed with prejudice.
26

27 2. RealNetworks, Inc. ("RealNetworks") and its successors and assigns reserve the right to
28 challenge the validity and unenforceability, and nothing in this Stipulation of Dismissal shall prevent

1 them from challenging the validity or unenforceability, of any patents asserted in this action or any
 2 patents owned or controlled by Burst.com, Inc. ("Burst") in any litigation, court or other proceeding in
 3 which Burst or its successors or assigns or any owner of a Burst Patent (as defined in the parties'
 4 confidential Settlement Agreement) or other party asserts that RealNetworks, its Affiliates, or the
 5 direct or indirect customers, users, licensees, distributors, retailers, or direct and indirect suppliers of
 6 RealNetworks or its Affiliates, directly or indirectly infringe the Burst Patents to the extent that, and
 7 solely to the extent that, they make, have made, use, purchase, sell, offer for sale, lease, import, export,
 8 or otherwise dispose of RealNetworks Licensed Products (as defined in the parties' confidential
 9 Settlement Agreement) alone or in combination with their own products, services or other activities, or
 10 otherwise, in connection with any RealNetworks Licensed Product, practice any method claimed in
 11 any Burst Patent.

13 3. Each party shall bear its own costs of suit and attorneys' fees.

14 4. The Court shall retain jurisdiction in this action to resolve any disputes concerning or
 15 arising out of this Stipulation of Dismissal With Prejudice and the parties' Settlement Agreement.

16 The electronic filer hereby attests that the individuals whose names appear below have signed
 17 this document. See General Order 45, Section X.

18 Dated: May 12, 2008

19 By: /s//Robert F. Kramer
 20 Henry C. Bunsow (SBN 60707)
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cheriank@howrey.com
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Attorneys for Plaintiff and
Counterclaim-Defendant
REALNETWORKS, INC.

/s/ Spencer Hosie

SPENCER HOSIE (CA Bar No. 101777)
shosie@hosielaw.com
BRUCE WECKER (CA Bar No. 078530)
bwecker@hosielaw.com
HOSIE McARTHUR LLP
One Market, 22nd Floor
San Francisco, CA 94105
(415) 247-6000 Tel.
(415) 247-6001 Fax

ROBERT J. YORIO (CA Bar No. 93178)
vorio@carrferrellc.com
COLBY B. SPRINGER (CA Bar No. 214868)
cspringer@carrferrell.com
CARR & FERRELL LLP
2200 Geng Road
Palo Alto, CA 94303
(650) 812-3400 Tel.
(650) 812-3444

Attorneys For Defendant and Counterclaimant
BURST.COM, INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 5/14/2008

The Honorable Marilyn H. Patel
United States District Court Judge

